

# **WOLCOTT TOWN COUNCIL**

Regular Meeting

Tuesday, April 5, 2011

Wolcott Town Hall, Council Chambers

7:30 P.M.

Page 1 of 9

## **MINUTES**

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**Note: These are summary minutes;** a tape recording of this meeting is on file in Commission Secretary's Office in Wolcott Town Hall.

Chairman Santogatta called the Regular Meeting to order at 7:30 p.m. with the Pledge of Allegiance, and attendance was taken.

**MEMBERS PRESENT:** Chairman Michael Santogatta, Vice-Chairman Steven Olmstead, Michael Bokon, David Valletta, Michael Perrone, Gale Mastrofrancesco, Francis Masi, Charles Marsella, and Rachel Wisler

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Mayor Thomas Dunn; Linda Bruce, Municipal Finance Officer; Brian Tynan, Town Attorney; Deputy Police Chief Stephens; et al.

### **APPROVAL OF MINUTES:**

#### **▪ Public Hearing – March 15, 2011**

Upon **MOTION** by Francis Masi, seconded by David Valletta, it was unanimously voted to **approve** the minutes of the Public Hearing held on March 15, 2011.

#### **▪ Regular Meeting – March 15, 2011**

Upon **MOTION** by Francis Masi, seconded by David Valletta, it was unanimously voted to **approve** the minutes of the Regular Meeting held on March 15, 2011.

**TAXPAYERS' TIME:** (Limited to Items on the Agenda)

No taxpayers came forward.

### **CORRESPONDENCE (on file):**

- 1.** Finance Office Transfers, submitted by Linda Bruce
- 2.** Letter received on March 16<sup>th</sup> from Art Parent expressing his opposition to proposed blight ordinance #95
- 3.** Email dated March 16<sup>th</sup> from David Ingala expressing his support of proposed blight ordinance #95
- 4.** Letter dated March 15<sup>th</sup> to Andrew Larson, with the Waterbury Republican Newspaper, regarding his Freedom of Information Request dated 3-9-11

# **WOLCOTT TOWN COUNCIL**

Regular Meeting

Tuesday, April 5, 2011

Wolcott Town Hall, Council Chambers

7:30 P.M.

Page 2 of 9

## **MINUTES**

- 
5. Letter dated March 17<sup>th</sup> to Teresa Pineau regarding her appointment to the Board of Education
  6. Letter dated March 18<sup>th</sup> to Andrew Larson, with the Waterbury Republican Newspaper, regarding follow-up to his Freedom of Information Request
  7. Copy of a letter dated March 18<sup>th</sup> to David Gentile, Democratic Town Committee Chairman, from Michael Bruce, Chairman of the Board of Ethics, regarding an upcoming Democratic term expiration on the Board of Ethics
  8. Letter dated March 23<sup>rd</sup> from the Board of Ethics Secretary, regarding an upcoming term expiration of an Unaffiliated Member of the Board of Ethics
  9. Letter dated March 28<sup>th</sup> from James Paolino, Sewer & Water Commission Chairman, regarding their budget presentation
  10. Letter dated March 30<sup>th</sup> from Linda Bruce regarding Request for Bid Waiver for repair of high pressure air compressor for Fire Dept. (copy of memo dated 3-30-11 to Mayor Dunn regarding same, attached)
  11. Letter dated March 31<sup>st</sup> from Town Attorney Brian Tynan regarding the revisions to proposed Blight Ordinance #95
  12. Proposed Blight Ordinance #95 (Revision #6 - dated 03-31-11)
  13. Town of Wolcott Budget Proposal for Fiscal Year 2011-2012
  14. Wolcott Public Schools Budget Proposal for FY 2011-2012
  15. REVISED Proposed Blight Ordinance #95 (Revision #7 - dated 04-04-11)
  16. Copy of a letter dated April 4<sup>th</sup> from Ann Santogatta, Library Board Chairman, to Linda Bruce regarding sump pump for Library (memo dated 3-31-11 from Linda Bruce to Kathy Giotsas, Library Director, regarding same attached)
  17. Copy PowerPoint Presentation of Town of Wolcott Budget Proposal for Fiscal Year 2011-2012
  18. Copy of a letter dated April 5<sup>th</sup> from Linda Bruce to Library Board of Trustees Chairman regarding installation of sump pump

## **MAYOR'S REPORT:**

Mayor Dunn came forward and reported the following:

- Rt. 69 project beginning the third week of April; letters went out to various agencies so that they can plan different routes if possible; it will be a 200 day project

# WOLCOTT TOWN COUNCIL

Regular Meeting

Tuesday, April 5, 2011

Wolcott Town Hall, Council Chambers

7:30 P.M.

Page 3 of 9

## MINUTES

- 
- Phyllis Bingham resigned her position from the Assessor's Office; she did a great job in that office and will be missed; they will be seeking someone to fill the position

A question and answer period followed, during which discussions were held regarding the following:

- Very bad section of road on Route 69 across from Sovereign Bank; the State is aware of it and hopefully they will respond soon;
- Maintenance of website; the person who was working on it had a family situation; will hopefully be working on it soon

Mrs. Mastrofrancesco expressed that she was bothered by the article in the Sunday paper; she doesn't want the public to have the perception that the proper procedures are not being followed. Mayor Dunn agreed and noted that everything was transparent. Chairman Santogatta concurred and noted that they could not have been any more transparent than they have been.

### FINANCE OFFICER'S REPORT/TRANSFERS:

Mrs. Bruce came forward and reported the following:

- On March 23<sup>rd</sup>, on behalf of the Town Council, she filed the name of BlumShapiro, the independent auditor that the Town Council designated on March 1<sup>st</sup> to conduct the annual audit, with the Secretary of the Office of Policy & Management as required per CT General Statutes;
- Audit process for FY 2010-2011 will begin on April 12<sup>th</sup>; a meeting is scheduled with Vanessa Rossitto of BlumShapiro to discuss the new fund balance accounting requirements and the preliminary audit work that is scheduled to begin on May 16<sup>th</sup>;
- The preliminary audit work consists of individual employee interviews and payroll and accounts payable testing;
- BlumShapiro is scheduled to begin the traditional audit on August 22<sup>nd</sup> through September 2<sup>nd</sup>
- The Finance Office continues to post RFP's for materials and services for the upcoming fiscal year

Mrs. Bruce next advised that she has submitted the following transfers for approval:

Upon **MOTION** by Francis Masi, seconded by David Valletta, it was unanimously voted to **approve** the following transfer; General Gov't - 112, to 01-1-112-2-2119 Group Life Insurance \$5,000.00 from 01-2-211-1-1140 Wages – Operations \$5,000.00.

# WOLCOTT TOWN COUNCIL

Regular Meeting

Tuesday, April 5, 2011

Wolcott Town Hall, Council Chambers

7:30 P.M.

Page 4 of 9

## MINUTES

---

Upon **MOTION** by Francis Masi, seconded by David Valletta it was unanimously voted to **approve** the following transfer; Fire Department – 221; to 01-2-221-7-7310 Capital Outlay \$20,000.00 from 01-1-112-8-8998 Contingency Account \$20,000.00.

With respect to the above transfer, Mr. Marsella noted that this is for repair of the high pressure compressor at the Fire Dept. He gave a detailed explanation as to why it is imperative to repair the compressor; it is absolutely necessary to have one. It is about \$17,000 to repair it, plus shipping and other miscellaneous expenses, but would be about \$42,000 to replace it.

### SUB-COMMITTEE AND LIAISON REPORTS:

**Civilian Police Review Board:** Mrs. Wisler reported that the CPRB will meet this Thursday at 4:00 p.m. at the Town Hall.

Vice-Chairman Olmstead commented that he would like to thank the townspeople for the generous donations of food last Saturday on the Town Green; it was a great success. He would also like to thank the Board of Ed and the Mayor for arranging a location for the food bank.

### UNFINISHED BUSINESS:

#### **1. Discussion Regarding Proposed Blight Ordinance #95**

Attorney Tynan thanked all involved in the process of getting the proposed ordinance to its final stage. He commented that he believes that it is time to adopt it and implement it. The intent of the ordinance is to help the Town of Wolcott, not to give everyone a hard time.

A **MOTION was offered**, by David Valletta, seconded by Francis Masi, it was unanimously voted to **adopt** Ordinance #95 regarding blight (Revision #7 dated 04-04-11).

Mrs. Wisler stated that many residents have expressed their concerns to her because the ordinance addresses too many minor issues, and not just gross negligence. She inquired if any verbiage could be placed in it stating that its purpose is to address gross negligence. Attorney Tynan replied that the problem with that is that everyone's definition of minor vs. major concerns is different.

A brief question and answer period followed during which Attorney Tynan clarified specific questions and various comments were made by the Council.

Chairman called for a vote on the above motion which **carried** unanimously by voice vote.

# WOLCOTT TOWN COUNCIL

Regular Meeting

Tuesday, April 5, 2011

Wolcott Town Hall, Council Chambers

7:30 P.M.

Page 5 of 9

## MINUTES

---

### NEW BUSINESS:

#### **1. Discussion & Possible Action on Bid Waiver Request for Repair to High Pressure Air Compressor (Wolcott Fire Department)**

Mrs. Bruce came forward and referenced the two letters she submitted in the Council packets regarding this item (**see attached**). It was noted that they previously discussed this item when they approved the transfer.

Upon **MOTION** by Michael Perrone, seconded by Charles Marsella, it was unanimously voted to **approve** the Bid Waiver Request for Repair to High Pressure Air Compressor for the Fire Dept.

#### **2. Town of Wolcott Budget Presentation for FY 2011-2012**

Mayor Dunn came forward and reviewed the FY 2011-2012 Town of Wolcott Proposed Budget Presentation (**full presentation on file**). He began the presentation by reading the transmittal letter to the Town Council dated April 1, 2011 (**see attached**).

General summary is as follows:

**2011/2012 TOTAL PROPOSED  
GENERAL GOVERNMENT EXPENDITURE BUDGET  
IS \$16,838,593, a DECREASE OF  
\$-723,518  
OR 4.12%**

#### **EXPENDITURE BUDGET BY CATEGORY 2010/2011 COMPARED TO PROPOSED 2011/2012**

	<b><u>APPROVED 2010/2011</u></b>	<b><u>PROPOSED 2011/2012</u></b>	<b><u>+/-</u></b>
<b>WAGES</b>	<b>\$ 5,422,113</b>	<b>\$ 5,400,833</b>	<b>-21,280</b>
<b>FRINGE BENEFITS</b>	<b>3,253,231</b>	<b>3,044,373</b>	<b>-208,858</b>
<b>DEBT SERVICE</b>	<b>4,008,061</b>	<b>3,356,240</b>	<b>-651,821</b>
<b>MAINT/REFUSE/ELEC/FUEL</b>	<b>2,090,502</b>	<b>2,101,112</b>	<b>+10,610</b>
<b>GASOLINE/DIESEL</b>	<b>149,940</b>	<b>177,300</b>	<b>+27,360</b>
<b>COMMUN./LIAB. INSUR</b>	<b>455,070</b>	<b>477,863</b>	<b>+22,793</b>

# WOLCOTT TOWN COUNCIL

Regular Meeting

Tuesday, April 5, 2011

Wolcott Town Hall, Council Chambers

7:30 P.M.

Page 6 of 9

## MINUTES

	<u>APPROVED</u> <u>2010/2011</u>	<u>PROPOSED</u> <u>2011/2012</u>	<u>+/-</u>	
MISC. OPER. EXP.	1,382,448	1,330,159	- 52,289	
LEGAL/PROF. SERV.	770,746	820,713	+49,967	
CAPITAL NON-RECURRING	0	100,000	+100,000	
CONTINGENCY	<u>30,000</u>	<u>30,000</u>	<u>0</u>	
<b>TOTAL</b>	<b>\$17,562,111</b>	<b>\$16,838,593</b>	<b>\$ -723,518</b>	<b>(4.12%)</b>

❖ Wages decreased by 21,280 or .4%

Wages consist of:

- Contractual obligations for Public Works & Police Dept.
- Estimated increases for contracts under negotiations
- Proposed increases for non-union personnel
- Reduced Work Force at Public Works and Town Hall

❖ Fringe Benefits decreased by \$208,858. The change is attributed to the following:

- Social Security (2,416) – decrease in wages
- Pension Contribution (225,507) – no retro adjustment
- Workers' Compensation +4,065 – claim experience
- Heart & Hypertension +8,000 – COLA increases
- Group Life Insurance +7,000 – increase benefit level in Police Dept.

❖ Debt Service showed a decrease of \$651,821 or 16.3%

The changes in this category are as follows:

- School Bonds -840,549\*
- General Improvement Bonds +338,947
- Sewer & Water Bonds -12,682
- Leases +97,463
- Short Term Payments -235,000

**\*\$785,990 due to refunding**

# WOLCOTT TOWN COUNCIL

Regular Meeting

Tuesday, April 5, 2011

Wolcott Town Hall, Council Chambers

7:30 P.M.

Page 7 of 9

## MINUTES

---

### **TOWN OF WOLCOTT 2011/2012** **TOTAL PROPOSED EXPENDITURE BUDGET**

	2010/2011 <u>Approved</u>	2011/2012 <u>Proposed</u>	<u>+/-</u>
General Gov't	\$17,562,111	\$16,838,593	+\$723,518
Education	<u>\$31,470,976</u>	<u>\$31,470,976</u>	\$0
<b>GRAND TOTAL</b>	<b>\$49,033,087</b>	<b>\$48,309,569</b>	<b>-723,518</b>

### **TOWN OF WOLCOTT REVENUE** **2010/2011 COMPARED TO 2011/2012**

	2010/2011	2011/2012
Total General Gov't Revenue	\$3,851,200	\$3,342,614
❖ Total Decrease		\$ (508,586)
❖ Total Gen'l Gov't & Education Rev	\$17,779,962	\$17,150,596
❖ Grand Total Revenue Decrease		\$ (629,366)

### **Major Increases/Decreases in Revenue**

❖ Transportation	<b>-105,055</b>
❖ Other Education	<b>-15,725</b>
❖ Bond Revenue	<b>-404,627</b>
❖ Mfg Machine Tax Program	<b>-120,003</b>
❖ LOCIP	<b>-56,093</b>
❖ Investment Interest	<b>-20,000</b>
❖ Town Clerk Fees	<b>+50,000</b>
❖ Interest & Lien Fees	<b>+30,000</b>

Mayor Dunn concluded the presentation and thanked Linda Bruce and her staff for all of their hard work.

Chairman Santogatta commented that this was a well consolidated presentation that contains an overview of the details that are in the budget proposals for general government and education.

# **WOLCOTT TOWN COUNCIL**

Regular Meeting

Tuesday, April 5, 2011

Wolcott Town Hall, Council Chambers

7:30 P.M.

Page 8 of 9

## **MINUTES**

---

Mrs. Mastrofrancesco commented that it is refreshing that such a lean budget has been presented while maintaining all of the services to the town.

Chairman Santogatta added that what is striking is that even though it is a bad economic climate, the town is in good financial shape and Wolcott is not going through the strife that many of their surrounding towns are going through, e.g., layoffs, tax increases, budget cuts, etc. Discussion followed with respect to the budget process,

### **3. Department Budget Presentations for FY 2011-2012**

- **Departments: 111-117**

The Council reviewed the above departments; there were several minor questions with respect to clarification of line items.

- **Town Council: Dept. 121**

Mr. Valletta noted that he did not see a line item for iPads, at which time Mayor Dunn advised that no monies were ever requested or submitted for that. Chairman Santogatta stated that the request was noted in the minutes of the last meeting. Mayor Dunn stated that he thought the Council had tabled this item, and further noted that there is a Technology line item in Dept. 112 that could be used for that purpose if the Council decides that they want to purchase iPads.

- **Finance: Dept. 152**

There were no questions; it was noted that it looks pretty straightforward.

Mrs. Mastrofrancesco commented that Mrs. Bruce does a fantastic job monitoring every penny that is spent by the Town. She commented that it is quite impressive and she wants to thank her for it. Mrs. Bruce thanked her and noted that she has a great finance office staff.

### **ITEMS FOR NEXT AGENDA:**

Chairman Santogatta advised that if anyone has any items for the next agenda to contact himself or the Clerk.

Upon **MOTION** by Francis Masi, seconded by Michael Bokon, it was unanimously voted to **add** 'Executive Session' to the agenda for the purpose of discussing a Contractual Matter.

### **TAXPAYERS' TIME:**

No taxpayers came forward.

# **WOLCOTT TOWN COUNCIL**

Regular Meeting

Tuesday, April 5, 2011

Wolcott Town Hall, Council Chambers

7:30 P.M.

Page 9 of 9

## **MINUTES**

---

- **Executive Session**

Upon **MOTION** by Francis Masi, seconded by Charles Marsella, it was unanimously voted to take a ten minute recess at 8:45 p.m. and then **enter** into Executive Session for the purposes of discussing a Contractual Matter, inviting Mayor Dunn and Deputy Police Chief Stephens.

Chairman Santogatta called the regular session back to order at 9:30 p.m.

### **ADJOURNMENT:**

Upon **MOTION**, Charles Marsella, seconded by, Rachel Wisler, it was unanimously voted to **adjourn** the regular meeting at 9:32 p.m.

### **APPROVED:**

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Elizabeth Gaudiosi, Secretary  
**WOLCOTT TOWN COUNCIL**

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Michael J. Santogatta, Chairman  
**WOLCOTT TOWN COUNCIL**

THOMAS G. DUNN  
MAYOR



OFFICE OF THE MAYOR  
TOWN OF WOLCOTT

March 30, 2011

Mr. Michael J. Santogatta  
Chairman, Wolcott Town Council  
10 Kenea Avenue  
Wolcott, CT 06716

Dear Mr. Santogatta:

Presented herein is the Town's 2011-2012 Proposed Budget.

Let me begin by saying what is apparent to all of us -- these are unprecedented times that have generated unprecedented challenges. Yet despite the current economic climate, I am pleased to state that the Proposed Expenditure Budget, totaling \$16,838,593, represents a **4.12% reduction** compared to the 2010 - 2011 Approved Budget.

This Proposed Budget is representative of the times. It **continues** our efforts to closely control the cost of Town operations while preserving and improving the quality of services and programs, the dependability of Town equipment and, when feasible, investing in additional Town facilities. The completion of the Youth Center Building in August, 2010, stands as an example of that investment. Our residents depend on these services, programs and facilities to maintain and enhance their quality of life.

However, there is no escaping the reality, that we pass on through local property taxes the costs for these same services which we need, want, and enjoy. Contributing to the already difficult times is the looming potential of reduced State-sourced revenues coupled with the volatile costs of products, such as heating and motor fuels, which are absolutely necessary for Town operations.

On a positive note, this proposed budget was favorably affected by the following financial and operational events:

- The Town's debt service has been significantly reduced due to the timely refinancing in August, 2010. It is important to note that this **foresight** allowed the Town to maintain a favorable level of service quality that residents expect and deserve. Had this not taken place when it did, a critical point might have been reached resulting in the curtailment of services and programs.
- Secured an American Recovery and Reinvestment Act (ARRA) grant to reconstruct Long Swamp Road thus reducing a portion of the Town's highway maintenance costs.
- Energy efficiency improvements were made at the Town Garage by way of a grant from the Energy Management Unit of the Connecticut Office of Policy & Management.
- Staffing level changes were completed within the Police Department.
- Reductions were realized in Public Works and Town Hall staffing through attrition.

Allocations from the Capital Non-Recurring Fund were used to accomplish the following:

- The dump bodies on four Highway Department trucks were overhauled reducing future repair costs.
- A new cruiser and a new SUV were placed into service at the Police Department, replacing older, high-mileage vehicles, reducing the potential cost of major repairs.
- The purchase of on-board computers for the Town's police cruisers, which will enable officers to access data sources and prepare reports directly while on patrol, allowing time for more productive duties.

Operational changes have resulted in the following improvements:

- Department heads are now processing purchase orders electronically through our financial program, eliminating the need and cost to prepare hand-written forms.
- Department heads are now accessing up to the minute expenditure data and preparing their reports as needed.
- The increased threshold for obtaining sealed bids has reduced advertising costs and bid preparation time.
- The practice of printing and mailing or faxing bid packages has essentially been eliminated through the use of email.

This proposed budget includes a lease program which reflects an investment in emergency services and public works equipment. Included are two new cruisers for the Police Department, an SUV and rescue truck for the Fire Department, an ambulance for the Wolcott Volunteer Ambulance Corps, and two multi-purpose medium duty dump trucks for Public Works.

This proposed budget also has a recommendation to allocate \$100,000 to the Capital Non-Recurring Fund as I believe it is important to save for future capital projects. It is important to note, however, that if revenues had remained constant and coupled with the reduction in debt service, there would have been the means for a more substantial allocation to the Capital Non-Recurring Fund.

Throughout the entire budget process, which began in early November, we have been faced with the uncertainty of State funded revenues. We have communicated directly with the Governor's Office and the Office of Policy and Management for clarification on State revenue recommendations and to voice concern regarding several of the recommended changes. We will continue to monitor the State revenue decisions and will present any changes prior to the final budget approval.

I offer my thanks to all the Town personnel for their efforts in developing this Proposed Budget. All employees, department heads and commission leaders are keenly aware of the economic environment and have responded to requests for care and caution.

To reiterate, the times are unprecedented as are the challenges. However, with difficult situations often come lessons to be learned and carried forward. It makes sense to take the positive experiences of the past few years and propel them forward, as evidenced by this Proposed Budget.

Once again, I look forward to working with the Town Council to finalize a budget that fairly recognizes the expectations of Wolcott's citizens versus their financial burdens.

Respectfully,



Thomas G. Dunn, Mayor



# TOWN OF WOLCOTT

TOWN HALL • 10 Kenea Avenue  
Wolcott, Connecticut 06716  
Tel. (203) 879-8100 • Fax: (203) 879-8105

March 31, 2011

Michael J. Santogatta, Chairman  
Wolcott Town Council  
10 Kenea Avenue  
Wolcott, CT 06716

## RE: TRANSFERS WITHIN / BETWEEN DEPARTMENTS

Dear Mr. Santogatta:

In accordance with the provisions of the Wolcott Town Charter, I am hereby notifying you of the following transfers contained in Schedule A (Fund 01) which are attached hereto and made a part hereof.

If you have any questions, please feel free to contact me.

Sincerely,

Linda R. Bruce  
Municipal Finance Officer

LRB/jes  
Enclosure

### MAYOR'S ACTION:

DATE: March 31, 2011

APPROVED BY:

Thomas G. Dunn, Mayor  
Town of Wolcott

### COUNCIL'S ACTION:

DATE: April 5, 2011

APPROVED BY:

Chairman, Wolcott Town Council

**SCHEDULE A  
 TRANSFERS WITHIN / BETWEEN DEPARTMENTS - FUND 01  
 2010-2011 FISCAL YEAR - FOR REVIEW ON APRIL 5, 2011**

<u>DEPARTMENT</u>		<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>DEBIT</u>	<u>CREDIT</u>
GENERAL GOV'T. - 112					
	TO	01-1-112-2-2119	GROUP LIFE INSURANCE	5,000.00	
	FROM	01-2-211-1-1140	WAGES - OPERATIONS		5,000.00

Reason: To pay for additional Group Life Insurance cost due to a benefit increase for Police Officers.

FIRE DEPARTMENT - 221					
	TO	01-2-221-7-7310	CAPITAL OUTLAY	20,000.00	
	FROM	01-1-112-8-8998	CONTINGENCY ACCOUNT		20,000.00

Reason: To pay for repairs to the Fire Department's air compressor.

# TOWN of WOLCOTT

## REQUEST FOR TRANSFER

DATE: March 31, 2011

REQUESTOR: L.R. Bruce

DEPT 112 & 221

The following budget transfer(s) is requested:

	<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
TO	<u>01-1-112-2-2119</u>	<u>GROUP LIFE INSURANCE</u>	<u>5,000.00</u>
	<u>01-2-221-7-7310</u>	<u>CAPITAL OUTLAY</u>	<u>20,000.00</u>
FROM	<u>01-2-211-1-1140</u>	<u>WAGES - OPERATIONS</u>	<u>5,000.00</u>
	<u>01-1-112-8-8998</u>	<u>CONTINGENCY ACCOUNT</u>	<u>20,000.00</u>

**REQUESTS FOR TRANSFERS MUST BE PRESENTED TO THE  
TOWN COUNCIL FOR REVIEW & APPROVAL - PLEASE ENSURE  
THAT ALL INFORMATION IS COMPLETE & ACCURATE**

The reasons the "to" account(s) are exhausted:

Account 2119: The account is not exhausted.  
Account 7310: The account was not funded.

Transfer is needed for:

Account 2119: To pay for additional Group Life Insurance cost due to a benefit increase for Police Officers.  
Account 7310: To pay for repairs to the Fire Department's air compressor.

The effect on the "from" account(s):

Account 1140: A balance will remain in the account.  
Account: 8998: A balance will remain in the account.

APPROVAL L.R. Bruce.....

FINANCE OFFICE USE

DATE: 3/31/2011



# TOWN OF WOLCOTT

TOWN HALL • 10 Kenea Avenue  
Wolcott, Connecticut 06716  
Tel. (203) 879-8100 • Fax: (203) 879-8105

March 30, 2011

To: Mayor Thomas G. Dunn

From: Linda R. Bruce, Municipal Finance Officer

Re: Wolcott Fire Department: Repair of High Pressure Air Compressor for Respirator Tanks – Value: Approximately \$19,300

In accordance with the Wolcott Town Charter, Section 707, paragraph (c), (ii), and (v), it is my opinion that to proceed with the public bidding procedure for the referenced repair would not be in the best interests of the Town of Wolcott.

The justification for selecting Air Compressor Engineering as the sole source supplier is based on the following:

- The compressor is a 6000 lb. high-pressure Ingersoll-Rand unit.
- Air Compressor Engineering of Branford, CT is the exclusive master distributor for Ingersoll-Rand compressor parts in New England and New York.
- If another company were hired to repair the unit, they would have to purchase the parts from Air Compressor Engineering and, if not an Ingersoll-Rand dealer, may lack the expertise to correctly repair the unit.
- Air Compressor Engineering is familiar with the unit, having performed maintenance on it since it was installed.
- Time is critical as the essential part needed to repair the compressor must be ordered from England where the sole manufacturer is located and will require 5 to 6 weeks to arrive.

Currently, firefighters must use the small compressor located at Company #1 that can fill only two tanks at a time and is very slow. Alternatively, the tanks are being filled at the Fire School, however the compressor at that location is also experiencing mechanical problems, is very slow, and access to the school is not always available.

If fighting a significant fire and the tanks were being emptied at a high rate, the Wolcott firefighters would be required to replenish their air supplies at a Cheshire Fire Station.



# TOWN OF WOLCOTT

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TOWN HALL • 10 Kenea Avenue  
Wolcott, Connecticut 06716  
Tel. (203) 879-8100 • Fax: (203) 879-8105

March 30, 2011

To: Michael J. Santogatta, Chairman,  
Wolcott Town Council

From: Linda R. Bruce, Municipal Finance Officer

Subject: Request for Bid Waiver

Please find enclosed my memo to Mayor Dunn regarding a bid waiver for Air Compressor Engineering.

The Wolcott Fire Department's high pressure Ingersoll-Rand air compressor, located at Company #3, is inoperative. The compressor is needed to fill the respirator tanks carried by Wolcott firefighters. As the compressor is inoperative, the firefighters must find other means for filling their respirator tanks, none of which are satisfactory.

Based on a review of Air Compressor Engineering's status as the exclusive master distributor for Ingersoll-Rand parts in New England and New York, their familiarity with the unit and their ability to source the needed part, I do not believe that it would be in the best interests of the Town to solicit bids for this repair.

The projected repair cost is \$19,300 which will be paid for with a request for transfer from the Contingency Account.

Should you have any questions, please contact me.

Cc: Mayor Thomas G. Dunn  
Town Council Members

**TYNAN & IANNONE**  
*Attorneys at Law*  
250 Wolcott Road  
Wolcott, Connecticut 06716-2634

WILLIAM F. TYNAN  
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March 31, 2011

Chairman Michael Santogatta  
Wolcott Town Hall  
10 Kenea Avenue  
Wolcott, CT 06716

**RE: Revisions to Blight Ordinance**

Dear Chairman Santogatta and Members of the Wolcott Town Council:

Attached please find the sixth and probable final version of the amended Ordinance otherwise referred to as the Blight Ordinance. This revised document has been a collaborative effort of David Valetta and Francis Masi of the Sub-Committee as well as taxpayers of the Town and the Town Assessor and Members of the Inland Wetlands Commission. Throughout this process we have strived to include different parties' perspective on what we are attempting to accomplish by implementation of this Ordinance.

I have asked Mrs. Gaudiosi to highlight the changes from the last version so it would be easier for this Council to note the various revisions. Again, this has been with the input of many different sources.

Therefore, I would request that this Council review the document as presented with the hope and intention of passage on your April 5, 2011 meeting.

I wish to stress that it is the Town's intent to work with the homeowners of the Town to alleviate Blight. I do not believe it is the intention of this Ordinance to take such a draconian approach and harm any individuals. The intent and desire of this ordinance is to rectify the most serious offenders in this Town to make the Town a more attractive place to reside and raise one's family.

Again, I wish to thank all of the people who have helped revise this Ordinance over the last three months and I would ask the Council to approve the Ordinance as presented.

Very truly yours,

  
Brian Tynan

BT/an  
Enclosure

## Ordinance #95

# An Amended Ordinance Prohibiting Abandoned Inoperable, and Unregistered Vehicles, Blighted Properties and Unsightly Material and Equipment in Public View

### PREAMBLE

**Whereas**, the storage of abandoned or inoperable and unregistered motor vehicle, blighted properties, motor vehicle parts and other unsightly materials in public view has a deleterious effect upon the value and enjoyment of properties nearby thus constituting a potential health and safety hazard to persons in neighborhoods and adversely affects the economic well-being of the Town; and

**Whereas**, the storage and ownership of abandoned, inoperable and unregistered motor vehicles in public view has the further effect of depriving the municipal authorities of an effective means of overseeing and collecting personal property taxes; and

**Whereas**, the purpose of this ordinance is to define, prohibit and abate blights, nuisances and to protect, preserve, promote public health, safety and welfare and to preserve and protect the economic well-being of the Town.

**Whereas**, the purpose of this ordinance is to amend the present ordinance (Town of Wolcott Ordinance No. 66) so as to place further restrictions on unregistered motor vehicles, define, prohibit and abate blighted premises and to prohibit unsightly material and equipment in public view so as to protect, and preserve public health, safety and welfare and to preserve and protect the economic well-being of the Town.

### SECTION I DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

**Abandoned vehicle:** Any unregistered, inoperable car, truck, aircraft, camper, motorcycle or moped, recreational vehicle (e.g. golf cart, snowmobile, water sled, all-terrain vehicle, etc.) boat or other watercraft, tractor, cart, trailer, riding mower, or farming or construction equipment whether self-propelled or towed that is intentionally left, forsaken or deserted. Intent may be determined by an act or omission such as no use and lapse of time. Inoperable shall mean that the vehicle is no longer being used for its intended purpose evidenced by two (2) or more of the following conditions:

- (1) Engine no longer starts or is missing;
- (2) Missing or flat tires or wheels, or other missing parts necessary for locomotion;
- (3) Missing doors or windows;

- (4) Close proximity of grass or other vegetation or debris, indicating immobility;
- (5) Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or
- (6) Used for another purpose (e.g. storage).

**Accumulating refuse:** Refuse that accumulates on any private premises, business, lots, or abandoned property, and is not completely contained within trash or refuse storage bins, racks, or enclosures, or other containers as approved by the Town for such use.

**Blight Enforcement officer:** The Blight Enforcement Officer, from the Wolcott Police Department, shall be an individual or individuals appointed by the Mayor to enforce all provisions of this ordinance. The Blight Enforcement Officer is hereby authorized to take such enforcement actions as are specified in this ordinance.

**Blighted premises:** A Blighted Premises is identified as any building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or fence, in which at least one of the following additional conditions exists:

1. It has been determined by the Building Inspector, Chesprocott Sanitarian, Town Engineer, Zoning Enforcement Officer, or other appropriate official as designated by the Mayor acting within the scope of their authority, that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the persons in the Town of Wolcott; or
2. The Fire Marshal has determined that a building or structure is a fire hazard, and/or it is a factor in operating a substantial and unreasonable interference with the use and enforcement of other premises within the surrounding area as documented by neighbor complaints; or
3. The property is in a state of disrepair or is becoming dilapidated ; or
4. The overall condition of the property is not being maintained which causes an unreasonable impact on the enjoyment of/or value of neighboring properties and stems from violations as expressed by adjoining property owners; or
5. The property is dilapidated, attracting illegal activity; or
6. Persistent occurrences of any of the following: violations of building, fire, zoning, housing or health codes; or
7. Persistent occurrence of the premises not being maintained as evidenced by the existence, to a significant degree of:
  - (a) Missing, broken or boarded windows or doors; collapsing or deteriorating walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors; or
  - (b) Exterior walls containing holes, breaks, loose, missing or rotting materials; or

- (c) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts, which contain rust or other decay; or
- (d) Unrepaired fire or water damage after appropriate official authorization; or
- (e) It has been vandalized, or otherwise damaged to the extent that it is a factor in depreciating property values in the neighborhood; or
- (f) Swimming pools, spas or architectural pools that are not properly maintained or are in a state of disrepair; or the accumulation of stagnant or unsanitary water; or
- (g) Display lights/fixtures or exterior signs in a broken or disassembled state; or
- (h) Rodent harborage and/or infestation; or
- (i) Garbage, trash or unused building materials improperly stored in dumpsters or accumulated on the premises; unauthorized outside storage or accumulation of junk, campers, trash, rubbish, boxes, paper, plastic or refuse of any kind; the parking of more than one (1) unregistered and inoperable cars, boats, motorcycles or other inoperable machinery on the property or the public right-of-way. For the purposes of this Article "authorized" shall pertain to local, state or federal laws and/or regulations; or
- (j) In the case of fences, broken or rotted boards or in an otherwise dilapidated condition; or any other exterior condition reflecting a level of maintenance or which constitutes a blighting factor for adjacent property owners or occupant or which is an element leading to the progressive deterioration of the neighborhood; or
- (k) Abandoned motor vehicles on the premises; or
- (l) Parking lots left in a state of disrepair or abandonment.

**Capable individual:** A person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age without physical or mental disability as defined herein.

**Citation Hearing Board:** A five member panel of electors who are Wolcott real property owners appointed by the Mayor to conduct hearings after submission of citations.

**Connecticut General Statutes:** Laws of the State of Connecticut, including any applicable amendments.

**Debris:** Material which is incapable of immediately performing the function for which it was designed including, but not limited to, abandoned, discarded, or unused objects; plastics, glass, papers, junk comprised of equipment such as automobiles, boats, and

recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, or garbage which is in public view.

**Disabled individual:** In the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

**Dilapidated:** In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public.

**Disrepair:** In poor working order, dilapidated, decrepit or in an imminent state of collapse.

**Infestation:** The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

**Junk:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use of disposition. Examples of which include tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber. More than one (1) unregistered or inoperable vehicles constitute junk.

**Garbage:** (Also see Refuse, Rubbish). Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or the keeping of pets and other animals.

**Legal occupancy:** Occupancy that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing, and all other pertinent codes, which, in the case of rental property, must be substantiated by a rental agreement, a rent receipt or a utility statement.

**Mechanical equipment:** Any apparatus designed to operate by an internal combustion engine, or designed to be towed by an apparatus propelled by an internal combustion engine.

**Natural wooded state:** Areas where trees and brush exist in their natural, un-landscaped state.

**Nuisance:**

- (1) Any public nuisance as defined by statute or ordinance.
- (2) Any attractive nuisance. An attractive nuisance is defined as the presence of any condition that may prove to be detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, the presence of abandoned wells, shafts, basements, excavations,

refrigerators, vehicles, lumber, and garbage, refuse, rubbish, and any structurally unsound fences or other structures.

- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- (4) Whatever hazardous materials or liquids that renders air, food or drink unwholesome or detrimental to the health of human beings.
- (5) Fire hazards. Any situation, process, material, blocked/obstructed egress, or condition that can cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property as determined by the Town of Wolcott fire marshal or his duly authorized agent.

**Operator:** Any person who runs or manages a commercial or industrial establishment.

**Orderly fashion:** Arranged in conforming to or exhibiting some regular order; systemic in regular or proper order.

**Owner/Occupant:** Any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town of Wolcott.

**Persistent:** Existing or remaining in the same state for an indefinite period.

**Person:** Any individual, corporation, partnership, Limited Liability Company.

**Premises:** A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term "premises" where the context requires, shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this article.

**Proximate property:** Any premises or parcel of land within One Thousand (1,000) feet of a blighted premises.

**Public view:** Visible from any public right-of-way or neighboring property, at grade level.

**Putrescible:** Liable to undergo decomposition or rotting by bacteria, fungi, and oxidation and/or may result in the formation of foul-smelling products.

**Reasonable:** Exercising the degree of caution and concern an ordinarily prudent and rational person would use in similar circumstances.

**Rubbish, garbage, refuse:** Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans,

wood, plastics, glass, bedding, crockery, unused and scrap building materials, and similar materials.

***Sanitary Conditions:*** Free from filth and pathogens.

***Structure:*** Any building, walls, dwelling, fence, swimming pool, or similarly constructed object.

***Unit:*** Any space within a building that is or can be rented by tenant(s) for their sole use, and is intended to be a single and distinct space.

***Vacant:*** A period of sixty (60) days or longer, during which a building or structure or any part thereof, or land that is not legally occupied.

## **SECTION II**

### **Abandoned or Inoperable Motor Vehicles**

- A. No person shall permit any abandoned or more than one inoperable motor vehicles, owned by such person to remain parked or stored in public view within the limits of the Town of Wolcott.
- B. No person shall permit any unregistered motor vehicle, regardless of condition, to remain parked or stored in public view within the limits of the Town of Wolcott.
- C. No owner of a parcel of real property in the Town of Wolcott shall permit any such abandoned or inoperable vehicle to be parked or stored in public view on said owner's parcel of property, and no owner of a parcel of real property in the Town of Wolcott shall permit an unregistered motor vehicle to remain parked or stored in public view on said owner's parcel of property unless said real property is used for the sale or repair of motor vehicles pursuant to an appropriate license issued by the State of Connecticut.
- D. A motor vehicle which is in the process of being actively repaired and/or restored shall be exempt for a period of one year from the aforementioned prohibitions to the extent of one (1) vehicle per dwelling unit and/or property provided the possessor has: (1) notified the Wolcott Police Department in writing identifying the motor vehicle by owner, year, make, model and identification number, (2) keeps said vehicle covered with a suitable tarp or vehicle cover when no work is being performed thereon and (3) is on the Assessors list as a taxable motor vehicle.
- E. The Town of Wolcott, pursuant to Connecticut General Statutes Section 14-150a, as amended, hereby authorizes but does not require its duly appointed Blight Officer to order the removal of any abandoned, inoperable or unregistered motor vehicle. This shall only be authorized after the owner of the property on which such motor vehicle

so remains is requested to remove said motor vehicle in writing or by newspaper notice and fails to do 30 days after receipt of notice.

### **SECTION III**

#### **Prevention/Abatement of Blighted Premises**

No owner/occupant of real property within the Town of Wolcott shall cause or allow blighted premises to be created, nor shall any owner/occupant allow the continued existence of blighted premises.

- A. No persons shall store or keep any unsightly material or equipment, as herein defined, owned by such person in public view within the limits of the Town of Wolcott.
- B. No owner of real property in the Town of Wolcott shall permit any such unsightly material or equipment to be located or stored on said owner's property.
- C. It shall be the duty of all owner's and occupants of premises to keep the exterior of the premises and all structures thereon free of all abandoned/unregistered vehicles, garbage, refuse, rubbish, and infestations. The exterior of every structure or accessory structure (including fences and walls) shall be maintained free of broken glass, loose shingles, damaged siding, crumbling stone or brick, or other condition reflective of deterioration or inadequate maintenance. The outside structure walls shall not have any holes, loose boards, or any broken, cracked or damaged siding that admits rain, cold air, dampness, rodents, insects or vermin. Every building shall be maintained as to be weather and watertight.
- D. Any building material or equipment intended for construction or improvement for which a valid building permit is in effect shall be exempt from this section of the ordinance. This section shall further not pertain to existing building supply yards subject, however to all the provisions of the Wolcott Zoning Regulation and the Connecticut General Statutes.
- E. Garbage, refuse and rubbish for weekly pickup must be stored to maintain sanitary conditions and to minimize its exposure to public view. The rubbish and recycling set-out is allowed twelve (12) hours prior to the start of the designated collection day. Containers must be removed from curb/public sight within twelve (12) hours after collection of materials; or
- F. Where dumpsters are maintained for commercial enterprises it shall be the duty of every business owner to provide a place reasonably calculated to maintain sanitary conditions and to minimize its exposure to public view before transfer for safe and sanitary disposal. All dumpsters must maintain completely closed lids at all times; being opened only to allow deposit or withdrawal of refuse. All areas surrounding dumpsters shall be kept completely free from such refuse and debris. All dumpsters must be placed as far as possible from public view.

## **SECTION IV**

### **Receipt of Complaint, Form of Warning**

- (a) Any individual, affected by the action or inaction of an owner/occupant of property subject to the provisions of this ordinance may file a complaint of violation of this ordinance with the Blight Enforcement Officer. Complaints shall be addressed to the Blight Enforcement Officer c/o the Wolcott Police Department; 225 Nichols Road; Wolcott, CT 06716, and shall state with specificity the nature of the alleged violation and be signed by the Complainant and dated. The Blight Enforcement Officer, upon his or her determination whether there is a violation of this ordinance, shall forward a Warning Notice to the owner/occupant at the time such determination has been made.
- (b) Such a Warning Notice from a Blight Enforcement Officer shall be issued prior to issuing a citation, and the respondent shall be required to attend the next scheduled meeting of the Board.
- (c) Such Warning Notice shall include:
  - (1) A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;
  - (2) If remedial action is not taken prior to the hearing, the respondent shall be susceptible to further penalties and costs as laid out in (3) below.
  - (3) The amount of the fines, penalties, costs or fees that may be imposed for noncompliance shall apply for each infraction per day in the amount of One Hundred (\$100.00) dollars after the thirty (30) day period has expired.
- (d) The owner/occupant may contest the warning notice before the Citation Hearing Board.
- (e) Delivery of a Warning Notice letter to the owner/occupant shall be by the following methods: (And preferably in this order)
  - (1) By personal delivery to the owner/occupant; or
  - (2) By certified mail, return receipt requested, addressed to the owner/occupant at his last known address with postage prepared thereon; or
  - (3) By publication in a newspaper of general circulation within the Town of Wolcott one time.
- (f) Pursuant to Section 7-148qg of the Connecticut General Statutes, a copy of the warning Notice will be sent to all lien holders of record.

## **SECTION V**

### **Enforcement**

- (a) If the corrective actions specified in the Warning Notice letter are not taken, within 30 days the Citation Hearing Board shall issue a written Citation to the owner/occupant.
- (b) An owner/occupant may request a hearing after receiving the warning notice.
- (c) The Citation Hearing Board is designated to conduct hearings in accordance with Connecticut General Statutes, Section 7-152c, Subsections (a) through (f), when an owner/occupant has been cited under this ordinance.
- (d) Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Blight Enforcement Officer. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the citation shall be deemed to have admitted liability, and the Blight Enforcement Officer or his/her designee shall certify such person's failure to respond. The Citation Hearing Board shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Connecticut General Statutes, Section 7-152c(f).
- (e) Any person who requests a hearing shall be given written notice of the date, time and place of the next scheduled monthly meeting. All persons who filed complaints about the property in question shall also be notified and invited to testify at the Hearing. The Citation Hearing Board may grant a postponement or continuance for good cause. An original or certified copy of the warning notice and citation shall be filed and retained by the Citation Hearing Board.
- (f) Pending the hearing before the Citation Hearing Board, no further enforcement activity as contemplated by Section VII shall occur until either a hearing is held and the Citation Hearing Board assesses fines, penalties, costs and/or fees or until the petitioner fails to appear for a scheduled hearing and the Citation Hearing Board assesses fines, penalties, costs and/or fees.

## **SECTION VI**

### **Appointment of Citation Hearing Board**

The Mayor shall appoint five Town residents to serve as a Citation Hearing Board to conduct hearings. Such members shall serve terms in accordance with the Wolcott Town Charter. Proceedings of the Citation Hearing Board shall be conducted in accordance with the laws of the State of Connecticut and any provisions of the Charter or ordinances of the Town generally applicable to its boards and commissions. No zoning enforcement officer, police

officer, building inspector or employee of the Town may be appointed as a hearing officer under this ordinance.

## **SECTION VII**

### **Penalties for offenses; prejudgment lien**

- (a) The owner/occupant of premises where a violation of any of the provisions of this ordinance shall exist or who shall maintain any building or premises in which such violations exist may:
  - (1) Be fined not more than One Hundred (\$100.00) dollars for each violation. Each day that a violation exists after a citation as described in Section V is given to the owner/occupant shall constitute a new violation, and a fine may be imposed for each such violation; and/or
  - (2) Be required to abate the violation at the owner/occupant's expense.
- (b) A prejudgment lien on real estate may be imposed where the fine for violation of the blighted premises provisions of this ordinance not paid within thirty (30) days, despite proper notice to the person found liable. Any unpaid fine imposed by a municipality pursuant to the provisions of an ordinance regulating blight, adopted pursuant to Connecticut General Statutes, Section 7-148(c)(7)(H)(xv), shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after (July 1, 1997), except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.
- (c) In addition to all other remedies and any fines imposed herein, the provisions of this ordinance may be enforced by injunctive proceedings in Superior Court. The Town may recover from such owner/occupier or other responsible person any and all costs and fees, including reasonable attorney's fees, expended by the Town of Wolcott in enforcing the provisions of this code.
- (d) Any funds so recovered under this ordinance shall be deposited into a separate "Blight Fund" to be used solely for the future enforcement or abatement of blighted premises.

## **SECTION VIII**

### **MUNICIPAL ABATEMENT**

- 1. In the event any owner, agent, tenant or person in control of real property shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the

failure of such owner, agent, tenant or person in control of real property to appeal from the issuance of said citation, or by such appeal being sustained, the Town of Wolcott, acting through its designated Blight Enforcement Officer issuing such citation, may cause or take such action as is necessary to correct such citation. The cost to take such action shall be a civil claim by the Town against such owner, agent, tenant or person responsible for such property, and the Town Attorney may bring an action to recover all such costs and expenses incurred.

2. If the owner, agent, tenant or responsible person fails to correct the violations, the Town of Wolcott may take any action necessary pursuant to C.G.S. § 7-148(c)(7)(E) to abate the nuisance at any time after giving notice to the property owner.
3. The Wolcott Town Council Pursuant to Connecticut General Statutes Section 7-148ff may provide a special assessment on housing that is blighted.
4. Pursuant to Public Act 10-152, the Blight Enforcement Officer may designate an agent or agents who shall have the right to enter property during reasonable hours for the purpose of remediation blighted conditions. However said agent or agents shall not be allowed to enter any dwelling house or other structure.

## **SECTION IX**

### **Appeals; Special Consideration**

- (a) Any person aggrieved by any order, requirement or decision of the Citation Hearing Board may take an appeal in accordance with Connecticut General Statutes, Section 7-152c(g).
- (b) Notwithstanding anything herein to the contrary, special consideration may be given to individuals who are elderly (an individual over the age of sixty-five) or disabled and who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein.
- (c) Such special consideration shall be limited to the reduction or elimination of fines and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this code.

## **SECTION X**

### **Severability**

In the event that any part or portion of this ordinance is declared invalid for any reason, all the other provisions of this ordinance shall remain in full force and effect.

**Construal of Terms and Provisions**

- (a) Where terms are specifically defined or the meaning of such terms is clearly indicated by their context, that meaning is to be used in the interpretation of this ordinance.
- (b) Where terms are not specifically defined in this chapter, they shall have their ordinarily accepted meaning or such meaning as the context may imply.
- (c) The provisions of this ordinance shall not be construed to prevent the enforcement of other ordinances of the Town of Wolcott.
- (d) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Wolcott Charter or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Wolcott, shall prevail.

**This ordinance was adopted at a Regular Meeting by the Wolcott Town Council on April 5, 2011 and becomes effective on May 6, 2011.**

Thomas G. Dunn  
Thomas G. Dunn, Mayor  
Town of Wolcott

Michael J. Santogatta  
Michael J. Santogatta, Chairman  
Wolcott Town Council

4-6-11  
Date

4-5-11  
Date

**CERTIFICATION**

I, Dolores C. Slater, Town Clerk for the Town of Wolcott, do hereby certify that the above is a true and correct copy of Ordinance #95 adopted by the Town Council at its regular meeting on April 5, 2011, in which a quorum was present and acting throughout and that the ordinance has not been modified, rescinded, or revoked and is at present in full force and effect.

Dolores C. Slater      4-6-2011  
Dolores C. Slater, Town Clerk      Date

**Public Hearing Date: March 15, 2011**

**Adopted by Town Council: April 5, 2011**

**Date Published: April 15, 2011**  
Wolcott Community News

**Effective Date: May 6, 2011**  
(21 days after publication)

